

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

| | | |
|---------------------------------|---|------------------|
| In the Matter of the Protest of |) | |
| |) | DOCKET NO. 20040 |
| [REDACTED], |) | |
| |) | DECISION |
| Petitioner. |) | |
| _____ |) | |

On January 10, 2007, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] proposing income tax, penalty, and interest for tax years 1998 through 2005 in the total amount of \$12,407.

The petitioner protested the determination. He did not request a hearing but did provide additional information. The Tax Commission, having reviewed the file, hereby issues its decision based thereon.

Idaho Code § 63-3030 states:

63-3030. Persons required to make returns of income.

(a) Returns with respect to taxes measured by income in this chapter shall be made by the following:

- (1) Every resident individual required to file a federal return under section 6012(a)(1) of the Internal Revenue Code.
- (2) Any nonresident individual having for the current taxable year a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500), or any part-year resident individual having for the current taxable year a gross income from all sources while domiciled in or residing in Idaho, and from Idaho sources while not domiciled in and not residing in Idaho, which in total are in excess of two thousand five hundred dollars (\$2,500);

Information available to the Tax Commission indicated the petitioner was an Idaho resident with an Idaho filing requirement during the years at issue. Because the Tax Commission's files did not include the petitioner's Idaho individual income tax returns, the Bureau issued a NODD. The petitioner appealed the determination.

In the letter of appeal, the petitioner said he intended to file the missing returns. Subsequently, returns for tax years 2002 through 2005 were submitted to the Tax Commission. The Bureau acknowledged receipt of the returns and notified the petitioner the returns were accepted as filed and would no longer be a part of the NODD or the appeal. The petitioner was offered the opportunity to accept the Bureau's calculations or submit returns for 1998 through 2001.

After allowing the petitioner additional time to prepare and submit the balance of the missing returns, the petitioner's file was transferred to the Legal/Tax Policy Division for administrative review. The petitioner did not respond to a letter from the Tax Policy Specialist wherein he was advised of his rights regarding his appeal. To date, the petitioner's 1998 through 2001 Idaho individual income tax returns have not been filed with the Tax Commission.

[Redacted].

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

Absent information to the contrary, the Tax Commission accepts the Bureau's calculation of Idaho income tax due for those years. A tentative payment of \$96 was allowed to offset a portion of the tax for tax year 1998. No withholding was identified.

WHEREFORE, the Notice of Deficiency Determination dated January 10, 2007, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioner pays the following tax, penalty, and interest:

| <u>YEAR</u> | <u>TAX</u> | <u>PENALTY</u> | <u>INTEREST</u> | <u>TOTAL</u> |
|-------------|------------|----------------|-----------------|--------------|
| 1998 | \$163 | \$ 41 | \$ 92 | \$ 296 |
| 1999 | 214 | 54 | 105 | 373 |
| 2000 | 327 | 82 | 134 | 543 |
| 2001 | 268 | 67 | 87 | <u>422</u> |
| | | | TOTAL DUE | \$1,634 |

Interest is calculated through October 1, 2007.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the taxpayer's right to appeal this decision is enclosed.

DATED this _____ day of _____, 2007.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2007, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.